

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2363

PRAVEEN TULADHAR,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A70-691-515)

Submitted: May 12, 2004

Decided: July 27, 2004

Before WIDENER, NIEMEYER, and LUTTIG, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Praveen Tuladhar, Petitioner Pro Se. Peter D. Keisler, Assistant Attorney General, Emily Anne Radford, Assistant Director, Blair T. O'Connor, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Praveen Tuladhar, a native and citizen of Nepal, petitions for review of a final order of the Board of Immigration Appeals (Board) denying his motion to reopen. We review the denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2003). See INS v. Doherty, 502 U.S. 314, 323-24 (1992) (stating abuse of discretion standard); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999) (same). A denial of a motion to reopen must be reviewed with extreme deference, as immigration statutes do not contemplate reopening and the applicable regulations disfavor motions to reopen. M.A. v. INS, 899 F.2d 304, 308 (4th Cir. 1990) (en banc).

We have reviewed the administrative record and the Board's decision and find no abuse of discretion in the Board's refusal to reopen proceedings where the motion to reopen was untimely. See 8 C.F.R. § 1003.2(a), (c)(2) (2003). Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED